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11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13 **SAN JOSE DIVISION**

14 ARIEL ABITTAN,
15 PLAINTIFF,
16 v.
17 LILY CHAO ET AL,
18 DEFENDANTS,
19 and
20 EIAN LABS INC.,
21 NOMINAL DEFENDANT.

Case No.: 5:20-cv-09340-NC

DECLARATION OF MILLICENT S.
MERONEY IN SUPPORT OF
DEFENDANTS' REPLY IN SUPPORT OF
MOTION FOR EXTENSION OF TIME

Date: November 10, 2021
Time: 1:00 p.m.
Place: Courtroom 5, 4th floor
Magistrate Judge: Nathanael M. Cousins

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MERONEY IN SUPPORT OF
DEFENDANTS' REPLY IN SUPPORT OF
MOTION FOR EXTENSION OF TIME**

Case No. 5:20-cv-09340-NC

1 I, Millicent Meroney Lundburg, a member of the Bar of the California and counsel for
2 Defendants in this civil action, declare as follows on information and belief:

- 3 1. **Exhibit 1** hereto is a true and correct copy of an email chain between *inter alia*
4 Plaintiff's counsel Constantine Economides and Defendants' predecessor counsel
5 Casey O'Neill, the most recent email being date stamped August 6, 2021 1:29 PM.

6 I declare under penalty of perjury that the foregoing is true and correct.
7

8 Respectfully submitted,

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10 DATED: October 1, 2021

CULHANE MEADOWS PLLC
Millicent S. Meroney

11 By: /s/ Millicent S. Meroney
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Exhibit 1

From: Casey O'Neill <coneill@fenwick.com>
Sent: Friday, August 6, 2021 1:29 PM
To: Constantine Economides
Cc: Brianna Pierce; Jennifer Bretan; Felix Lee; Dean Kristy
Subject: RE: Temujin-Abittan

Constantine,

Sounds good. Depending on where our discussions come out after assessing the service issues, we can then submit a schedule for responding and briefing.

Circling back on the state case and CMC, I checked and the position on service has not changed. In light of that, could you please send me whatever revisions you have to the CMC statement? Will it incorporate all defendants' positions, or should I also check back in with Eddie Han separately?

Casey O'Neill

[Fenwick](#) | Of Counsel | +1 415-875-2027 | coneill@fenwick.com | Admitted to practice in California and New York.

From: Constantine Economides <ceconomides@rcfllp.com>
Sent: Friday, August 6, 2021 8:37 AM
To: Casey O'Neill <coneill@fenwick.com>
Cc: Brianna Pierce <bpierce@rcfllp.com>; Jennifer Bretan <jbretan@fenwick.com>; Felix Lee <FLee@Fenwick.com>; Dean Kristy <DKristy@Fenwick.com>
Subject: Re: Temujin-Abittan

**** EXTERNAL EMAIL ****

Casey,

I've attached the email from the Cayman Central Authority. Unfortunately, they did not tell us the date of service, but we're following up and will let you know once we've heard.

We also sent copies for service on Ding and Chao at Temujin Cayman, and our understanding is that we're awaiting certificates of service confirming service on all three defendants.

Although we maintain that service is valid, I anticipate that you'll challenge the service as to Ding and Chao. Given the gap in time from the service date and your receipt of the documents, we'll agree to a reasonable extension. Once we get the proofs of service and you've assessed the service, how about we meet and confer over timing and your request to bifurcate? To be clear, I'm not saying we'll agree to bifurcate, but we can discuss.

Thanks,

Constantine P. Economides
Counsel

[Roche Freedman LLP](#)
Southeast Financial Center

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(t) (305) 851-5997
(@) ceconomides@rcflp.com

From: Casey O'Neill <coneill@fenwick.com>
Date: Thursday, August 5, 2021 at 9:52 PM
To: Constantine Economides <ceconomides@rcflp.com>
Cc: Brianna Pierce <bpierce@rcflp.com>, Jennifer Bretan <jbretan@fenwick.com>, Felix Lee <FLee@Fenwick.com>, Dean Kristy <DKristy@Fenwick.com>
Subject: Temujin-Abittan

Constantine,

Thanks for speaking with me earlier. I expect to get back to you early tomorrow morning regarding your proposal that the individuals accept service of a cross-complaint in the state action.

As a follow-up to our call, you indicated that you will be furnishing us with proof of service on the Cayman entity via the Hague Convention, although you do not yet have that proof. We suggest that, at least for now, Temujin Cayman's response to the complaint be due 30 days after you provide us with that proof. We can meet and confer if we perceive there to be any service issue and agree to bifurcate Rule 12 motions if there is. Does that work for you?

Casey O'Neill

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